

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

THOMAS REMICK, et al., on behalf of :
themselves and all others similarly situated, : **CIVIL ACTION**
: **Plaintiffs-Petitioners,** :
: **v.** :
: **CITY OF PHILADELPHIA; and BLANCHE** :
CARNEY, in her official capacity as :
Commissioner of Prisons, : **No. 20-1959**
: **Defendants-Respondents.** :

ORDER

AND NOW, this **12th** day of **July, 2022**, pursuant to Fed. R. Civ. P. 23(e), upon consideration of the parties' Joint Motion for Final Approval of Class Action Settlement ("Joint Motion"), and following a fairness hearing conducted on July 6, 2022, and for the reasons set forth in the Court's Memorandum of this same date, the Court hereby **GRANTS** the Joint Motion (ECF No. 173) and **ORDERS** and finds as follows:

1. By Order dated March 11, 2022, the Court previously certified a class pursuant to Fed. R. Civ. P. 23(a) and 23(b)(2) of: “All persons who are currently or will be in the future confined in the Philadelphia Department of Prisons, and are or will be subjected to illegal or unconstitutional conditions of confinement as a result of policies and restrictions implemented in response to the COVID-19 pandemic, and the PDP’s staffing shortage.” (ECF Nos. 152-53.) The Court hereby recertifies that class—which also comprises the certified subclass—as the Settlement Class.
2. The Court has jurisdiction over the subject matter and over all parties, including

over all members of the Settlement Class.

3. The posting of the Notice of Settlement, substantially in the form presented to this Court, (*see* ECF No. 173 Exs. B-C), to Settlement Class members constitutes adequate notice of the Settlement Agreement, these proceedings, and the rights of Settlement Class members to object to the Settlement Agreement.
4. Due and adequate notice of the proceedings was given to the Settlement Class and a full opportunity to participate in the July 6, 2022 fairness hearing was offered to the Settlement Class. No class member gave notice of an intent to appear and present an objection at that hearing; thus, it is hereby determined that all Settlement Class members are bound by the Settlement Agreement and this final Order.
5. The Court finds that the Settlement Agreement (ECF No. 173 Ex. A) is fair, reasonable, and adequate and hereby approves the Settlement Agreement.
6. Defendants are instructed to withdraw their pending Petition for Permission to Appeal this Court's Class Certification Order with the Third Circuit Court of Appeals (Case No. 22-8013) as agreed in the Settlement Agreement.
7. The Court finds that \$340,000.00 to class counsel is a reasonable award of attorneys' fees and costs.
8. The terms of the Settlement Agreement are incorporated into this Order. This Order shall operate as a final judgment and dismissal without prejudice of the claims in this action.
9. The Court retains jurisdiction over any matter which may arise in connection with the administration of this Settlement Agreement as agreed in the Settlement Agreement.

10. Plaintiffs' Motion for Preliminary Injunction (ECF No. 128) and Defendants' Motion to Dismiss (ECF No. 148) are **DISMISSED** as moot.
11. This Clerk of Court is directed to close this case for statistical purposes.

BY THE COURT:

A handwritten signature in blue ink, appearing to read "Berle M. Schiller", followed by a long horizontal flourish.

Berle M. Schiller, J.